IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

Bail Appl..No. 3841 of 2007()

CRIME NO.370/2007 OF HILL PALACE POLICE STATION

PETITIONER : ACCUSED:

JOSEPH SHAJI GEORGE, AGED 47,
S/O.LATE GEORGE, DISTRICT FOOD INSPECTOR,
THRISSUR.

BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR HIGH COURT OF KERALA,
ERNAKULAM, REPRESENTING THE STATION HOUSE OFFICER,
HILL PALACE POLICE STATION.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.3841of 2007

Dated this the 26th day of June 2007

O R D E R

Application for anticipatory bail. The petitioner is a District Food Inspector. He was directed by the learned Additional Chief Judicial Magistrate to produce the samples left with him. He made contradictory statements. Initially, it was stated that the samples were spoiled due to elapse of a long period of six years. Later, the stand was changed and it was stated that the samples are not traceable in the office till now. The learned Magistrate smelt foul play and felt that the matter must be enquired into. The learned Magistrate accordingly lodged a complaint and directed the Station House Officer, Hill Palace police station to conduct the investigation. Accordingly, crime was registered. Investigation is in progress.

2. The learned counsel for the petitioner submits that the allegations raised against him and the consequent registration of the crime are all not justified. The petitioner, notwithstanding the inaccuracy of the expression used, was only

reporting bona fide to the learned Magistrate that the articles were not traceable. In these circumstances, the petitioner does not deserve to be arrested and incarcerated in prison. The allegation under Section 406 I.P.C is not, at any rate, justified, submits the learned counsel for the petitioner. The learned Public Prosecutor does not oppose the prayer and I am satisfied that the petitioner does not deserve to suffer the trauma of arrest and incarceration. Appropriate conditions can be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C.

i) Petitioner shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 03/07/2007.

ii) He shall be released on bail on executing a bond for Rs.25,000/-(Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall make himself available for interrogation before the investigating officer between 10 a.m and 1 p.m on 04/07/2007 and 05/07/2007 and thereafter as and

when directed by the investigating officer in writing to do so.

(iv) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law, as if these directions were not issued at all.

(v) If he was arrested prior to 03/07/2007, he shall be released on bail on his executing a bond for Rs.25,000/- (Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 03/07/2007.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007